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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,936	08/21/2003	Daisuke Shinohara	NIT-391	7378

7590 07/24/2006

MATTINGLY, STANGER & MALUR, P.C.  
1800 DIAGONAL ROAD, SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,936

Applicant(s)

SHINOHARA ET AL.

Examiner

Ranodhi Serrao

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 April 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 26-37 have been considered but are moot in view of the new ground(s) of rejection. The applicant argued in substance the newly added claims. However, the newly found prior art of record teach these added features. See rejections below.

### ***Claim Objections***

3. Claim 34 is objected to because of the following informalities: There is a grammatical error in the statement "...a network to be coupled to a first processor able to executed a first program...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

Art Unit: 2141

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 26, 27, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al. (6,853,634).

6. As per claim 26, Davies et al. teaches a computer system comprising: a first computer storing one or more first programs (col. 6, lines 10-24); a second computer coupled to said first computer via a network and storing a second program; and a third computer coupled to said first computer via the network (col. 6, lines 10-24); wherein said first computer: stores association information related to an association between said one or more first programs and said second program (col. 6, lines 25-44), receives, from said third computer, a first request for executing said one or more first programs (col. 7, lines 3-12), determines whether said one or more first programs correspond to said second program or not on the basis of said association (col. 7, lines 33-45), sends a second request to said second program when said one or more first programs correspond to said second program, receives results of said second request from said second program, and sends the results to said third computer in response to said first request; and wherein said second computer receives said second request, executes said second program and sends execution results as said results of said second request to said first computer (col. 8, lines 31-56).

7. As per claim 27, Davies et al. teaches a computer system, further comprising: a fourth computer coupled to said first computer, said second computer, and said third computer via the network, wherein: said fourth computer collects a plurality of location

Art Unit: 2141

information related to locations where said one or more first programs or said second program are stored, stores said plurality of location information with both said one or more first programs and said second program, and generates said association information (col. 15, line 62-col. 16, line 13).

8. As per claim 34, Davies et al. teaches a program management apparatus comprising: a network to be coupled to a first processor able to executed a first program, said network being coupled to a second processor able to execute a second program and to a third processor (col. 6, lines 11-24); a fourth processor to be coupled to said network; and a memory to be coupled to said fourth processor (col. 15, line 62-col. 16, line 13), wherein said fourth processor: determines an association between said first program and said second program (col. 17, lines 19-23), stores, to said memory, an association information indicating the association between said first program and said second program (col. 6, lines 25-44), receives an inquiry of a location where one of said first or second programs is executed from said third processor via said network (col. 7, lines 3-12), determines which location of execution of said first program or said associated second program is to be sent (col. 7, lines 33-45), and sends, back to said third processor, via said network, said determined location of execution of said first or second program (col. 8, lines 31-56).

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2141

10. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. as applied to claims 26 and 27 above, and further in view of Abdelaziz et al. (2003/0041141).

11. As per claim 28, Davies et al. teaches the mentioned limitations of claims 26 and 27 above, but fails to teach a computer system, wherein said association information is a hierarchy information indicating whether said one or more first programs are of a higher level than said second program associated with said one or more first programs. However, Abdelaziz et al. teaches a computer system, wherein said association information is a hierarchy information indicating whether said one or more first programs are of a higher level than said second program associated with said one or more first programs (see Abdelaziz et al., ¶ 254-257). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Davies et al. to a computer system, wherein said association information is a hierarchy information indicating whether said one or more first programs are of a higher level than said second program associated with said one or more first programs in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).

12. As per claim 29, Davies et al. teaches the mentioned limitations of claims 26, 27, and 28 above, but fails to teach a computer system, wherein said fourth computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said third

Art Unit: 2141

computer, a location of the program which is a higher level than its associated program. However, Abdelaziz et al. teaches a computer system, wherein said fourth computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said third computer, a location of the program which is a higher level than its associated program (see Abdelaziz et al., ¶ 116). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Davies et al. to a computer system, wherein said fourth computer determines which program of said first or second programs is of a higher level than its associated program on the basis of said hierarchy information, and sends, to said third computer, a location of the program which is a higher level than its associated program in order to provide information about the programming interface and functionality of the software modules independently of protocols and behaviors that may be used to implement the software modules (see Abdelaziz et al., ¶ 253).


13. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. and Abdelaziz et al. Davies et al. and Abdelaziz et al. teach a computer system, wherein said one or more first programs and said associated second program are executed as programs related to a common function (see Davies et al., col. 6, lines 25-44).

14. Claims 31-33 and 35-37 have similar limitations as to claims 26-30 and 34, therefore, they are being rejected under the same rationale.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER